Developing a Community Action Plan to Reduce Public Tolerance of Non-Permitted Retail Food Activities by Linking People to Environmental Health Services

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Environmental Public Health Leadership Institute Fellow:

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City of Chula Vista, CA
City of Coronado, CA
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EXECUTIVE SUMMARY:

Non-permitted food service activities and businesses, (such as illegal caterers, mobile food facility vendors and food suppliers), have become so prevalent in the County of San Diego, to the point that a number of illegal caterers and vendors can be routinely found advertising in local classifieds and on listings as approved food service vendors for many legitimate venues such as banquet halls and even local government run community centers. Aside from being a major public health risk, legitimate businesses have expressed concern over the unfair competitive edge that non-licensed businesses have, as illegal businesses do not have the added costs that go hand-in-hand with maintaining commercial standards for regulatory compliance to prevent foodborne illness.

This project will attempt to answer the core questions that the consumer and industry stakeholder asks when deciding to make the choice of which vendor to tolerate. Why despite our best efforts to control non-permitted food activities is the general public willing to accept non-permitted food businesses when deciding to buy food for themselves and their family? How does the local health department influence that decision? Who are the actual gatekeepers and key players at the community, local, state and federal level that can control the presence of non-permitted vendors in the neighborhood?

San Diego’s proximity to the international border between the U.S. and Mexico adds complexity to this question, as the designation of responsibility and lines of communication can be unclear or unavailable to the local environmental health specialist.

In exploring these questions through research of existing regulatory models, conducting community outreach sessions and facilitating inter-governmental discussions, the project’s ultimate goal is to provide a focused plan that would establish a public health link to the common consumer, as well as identify non-traditional food safety stakeholders and participants such as the banquet hall manager, the event planner, and the newspaper editor, who may not be aware of their significance in the food safety system, as well as how to verify the permit status of a caterer and other food service businesses.

INTRODUCTION/BACKGROUND:

The County of San Diego, Department of Environmental Health, Food and Housing Division (FHD) is tasked with providing the regulatory oversight involving retail food activities of businesses and prevent the occurrence of food borne illnesses. Highly regarded among our peers, FHD has been recognized for developing a risked based retail food inspection program, organized rapid response teams involved with local and national food borne illness outbreaks as well as having established a consumer advisory system (Restaurant Grade Card Placards) that has been in existence since the 1940’s. Despite the having the prestige, recognition and resources available to the Division, the prevalence of non-permitted food activities such as non-permitted street vendors, non-permitted caterers and unlicensed food manufacturers has remained. FHD has inherent public health concerns when dealing with non-permitted vendors, as there have been documented cases of food borne illness outbreaks related to these activities. Legitimate
businesses see unfair competition towards food vendors who, even though lack regulatory oversight, are bold enough to advertise in community newspapers and trade publications. Local governments, code enforcement agencies and police forces have more immediate priorities to attend to, or may not be aware of the gravity of non-permitted food businesses present in their community. The general public as a consumer may have cultural considerations for traditional food items not offered by commercial food businesses, or may set costs savings above safety when deciding to entertain a business. Looking for, or knowing what to look for, to validate the health permit and safety status of a food business is a missing link in the community.

Preconditions for change

Published statistics and incidences clearly show the direct relationship between food borne illness outbreaks and non-permitted food activities\(^1\). However, a more recent event was brought to the attention of FHD by a local food catering business. A large portion of their business was to cater to Quinceneras (Debuts) within the Hispanic community. The business owners showed FHD how a significant number of non-permitted food vendors advertised in local newspapers and trade publications, offering food services at a lower cost, and some even originating from outside of the United States. They even showed a list of approved vendors for a local government run community center that included vendors who did not have any health permits. This clearly demonstrated a missing link between FHD and the local community, wherein the public, local businesses and even local governments may not have been aware this issue.

Ways to create change

Change can occur when leaders bring stakeholders together to discuss the issues and find solutions. Solutions that are an alternative to direct enforcement of health code regulations does not need to compromise public health standards; when those alternatives invest time to provide services to the community through education and long term goal setting. Providing the scientific rational in a practical manner to stakeholder can dispel myths and pre-conceptions, especially the perception that the requirement for a health permit\(^2\) as being just another tax or revenue source for government. When educators provide accurate information and the public health reasons for the existence health laws, engaging the general public in order to gain influence and suggest steps for them to take when making decisions about food sources or entertaining a food business representative, is better facilitated. Sustaining communication lines to the community allows time to work out solutions and can also identify non-traditional food safety stakeholders when drawing from the diversity of those who interact with food businesses. A good example of non-traditional food safety stakeholders are local trade publication editors who run classifieds for food businesses, meeting organizers, green business managers and event planners.
Engaging stakeholders individual and collectively

Preliminary actions that took place included staff members researching the health permit status of the food caterers listed in the newspaper classifieds and publications. If no health permit was found in our system, we contacted the business in question and provided information on how to go through the review and approval process for obtaining a health permit. This process of reviewing and monitoring will become an established procedure within the Division.

Long term plans include providing outreach to the community and stakeholders. Our first group includes banquet halls in the community who may not be aware or concerned with how to determine the health permit status of a caterer. A standard presentation, educational material, training outreach calendar as well as a presentation format and outline designed to engage the public to find out why tolerance of a non-permitted food activity exists.

Problem Statement: “Why despite our best efforts to control non-permitted food activities is the general public willing to accept non-permitted food businesses when deciding to buy food for themselves and their family?”

- What happened?
  - Foodborne illness outbreaks have affected families, businesses and local regulatory agencies.
  - Businesses that adhere to regulations and pay permit fees feel unfairly treated, and lose revenue and income when competing with non-permitted businesses.

- What has been happening?
  - Non-permitted businesses advertise in local newspapers, trade publications and online.
  - Local government agency listed non-permitted vendors as approved businesses for the public to hire to cater events in a community center.
  - Banquet halls listed non-permitted vendors as approved businesses for the public to hire to cater events in their venue.
  - FHD has had a consumer advisory system to inform the public about the status of restaurant facility inspections, but does not have a system to engage the public to inform them about other retail food activities such as how to determine if a caterer or food vendor has a valid permit to operate.
Key variable trends

1. The economy – The economy, whether in a downturn or upswing has influence on the choices people make and the availability of resources. Some choices will be based on savings and not safety. A consumer will look at the cost savings when comparing food items and businesses. A caterer factors in commercial food safety standards when deciding how to providing services, especially if there a significant cost is involved. The internet has provided businesses with a low cost and quick avenue to advertise and expand their customer base. Local newspapers and trade publications also provide means to connect with the consumer.

2. Outreach Efforts to community by FHD – Local regulatory agencies have to make choices in the face of routine demands of the public as well as in some cases cut-backs to budgets and logistics. Priorities have to be determined to provide service to the permit holders through routine inspections, taking time away from monitoring the environment and linking services to the public.

3. Regulations – A business may have to obtain multiple permits to do business, and there is rarely a single point of reference that would let the entrepreneur know all what would be required, and a health permit may not be distinguishable to the small business owner.

4. Food Safety Awareness – The known causes of food borne illness outbreaks are usually not readily seen by the naked eye. In general, the public may be more concerned with what is visibly unsanitary in the dining area, and not with the routine practices a food business does in the prep kitchens. A health permit may only be perceived as a tax, an administrative requirement, rather than a representation that a facility is being regulated and inspected for safety.
Figure 1: Behavior Over Time Graph
Figure 2: Causal Loop Diagram and Shifting the Burden Archetype

Leading an effective outreach effort by fostering community involvement and establishing an active link to groups who may not normally have access to EH and PH services. Maintenance of an effective effort to educate and inform key group stakeholders.
**10 Essential Environmental Health Services:**

**Assurance** - The primary intention of this project is to bridge the gap for Essential Service # 7: Link people to needed environmental health services and assure the provision of environmental health services when otherwise unavailable by identifying populations with limited access or have barriers to coordinated public health services. By identifying non-traditional retail food industry stakeholders, we can provide another means to reach the public and disseminate information on how to determine the health permit status and validity of a food business, such as a caterer or vendor.

**Policy Development** - Other Essential Services that crossover and can be improved through this project are Essential Service # 3: Inform, educate and empower people about environmental health issues and Essential Service # 4: Mobilize community partnerships to identify and solve environmental health problems.
Activities

Programs
- Develop Awareness Campaign
- Develop Health Permit Awareness Survey
- Create Non-Permitted / Non-Permissible Food Vendor Monitoring Program.
- Establish baseline for Food Borne Illness incidence associated with Non-Permitted / Non-Permissible Food Vendor.
- Establish baseline for Non-Permitted / Non-Permissible Food Vendors.

Training
- Conduct staff training for monitoring and enforcement procedures for Non-Permitted / Non-Permissible Food Vendor

Teamwork and Collaborative Projects
- Cooperative Plan between State of CA, US FDA and Mexico Board of Health to address Non-Permitted / Non-Permissible Food Vendor activities.

Resources/Inputs

Financial
- Local Operational Budget – Divisional Outreach Events – Retail Food Program

Supplies
- Environmental Health Field Staff (2)
- Advisory Committees
- Outreach Materials

Partners
- State of CA, PH
- City of San Diego
- City of Chula Vista
- National City
- Local Chamber of Commerce
- US FDA
- Mexico, Board of Health

Outputs

- # of meetings
- # of outreach events
- # Cooperative Partners
- # Advisory Board members

- # persons trained
- diversity of persons trained
- # individuals assessed

- # of collaborative projects
- # of participants involved in collaborative projects

Short & Long Term Outcomes, Impacts.

Learning
- Improved delivery of public health activities to members of the general public and industry who may not normally have access to services.
- Increased number of leaders trained
- Increased collaboration between partners
- Improved integration of research to practice
- Learning needs are correlated to core PH competencies

Results
- Overall food safety compliance.
- Reduction of Foodborne illness
- Enhanced food safety education of the general public

Behavior
- Increased food safety awareness among retail food consumers.

Figure 4: Logic Model
PROJECT OBJECTIVES/DESCRIPTION/DELIVERABLES:

Program Goal:
To increase public health awareness of the benefits of a retail food safety program, as well as the risks associated with non-permissible / non-permitted food vendors.

Health Problem:
The rate of food borne illnesses attributed to non-permitted / non-permissible food vendors and the prevalence of non-permitted / non-permissible food vendor activity working with banquet hall operators and community recreational hall managers in the South Bay Areas of San Diego.

Outcome Objective:
By June 30, 2012 food borne illnesses associated with non-permitted / non-permissible food vendors will be reduced by 20% of the 2007 baseline.

Determinant:
Number of confirmed food borne illnesses that are linked to non-permitted / non-permissible food vendors per year.

Impact Objective:
By December 31, 2011 50% of banquet hall operators, and community recreational hall managers in the South Bay Areas of San Diego will know how to determine if a food vendor is permitted by the Department of Environmental Health or other acceptable agency.

Contributing Factors:
1. The economy – The economy, whether in a downturn or upswing has influence on the choices people make, and the availability of resources. Some choices will be based on savings and not safety. A consumer will look at the cost savings when comparing food items and businesses. Retail food operators, whether permitted or not permitted, factor costs when deciding how to provide their services. There may be a perceived or real significant cost involved in applying safety standards. The internet, a powerful business tool; has provided a low cost and quick avenue to advertise and expand the customer base. Local newspapers and trade publications also provide means to connect with the consumer on a regular basis, but the connection is limited to advertising costs and services and not health permit status.

2. Outreach Efforts to community by the Department of Environmental Health – Local regulatory agencies have to make choices in the face of routine demands of the public as well as in some cases cut-backs to budgets and logistics. Priorities have to be determined to provide service to the permit holders through routine inspections,
shifting time away from monitoring the environment and linking services to the public.

3. Regulations – A business may have to obtain multiple permits to do business, and there is rarely a single point of reference that would let the novice entrepreneur to know all what would be required, and a health permit may not be distinguishable from other permits that the small business owner is required to obtain.

4. Food Safety Awareness – The known causes of food borne illness outbreaks are usually not readily seen by the naked eye. In general, the public may be more concerned with what is visibly unsanitary in the dining area, and not with the routine practices a food business does in the prep kitchens. Also, a health permit may only be perceived as a tax, an administrative requirement, rather than a representation that a facility is being regulated and inspected for safety.

**Process Objectives:**

1. By December 31, 2011 50% of banquet hall operators, and community recreational hall managers in the South Bay Areas of San Diego will know how to determine if a food vendor is permitted by the Department of Environmental Health or other acceptable agency.

2. By December 31, 2011 reduce by 50% the prevalence of non-permitted / non-permissible food vendor activity found in published classified ads, trade publications, and on the internet; and on approved food caterer /vendor lists of banquet hall operators, and community recreational hall managers in the South Bay Areas of San Diego.

3. By December 31, 2011, contact will be made with food safety and code enforcement officials to establish a cooperative arrangement between San Diego County, City of San Diego, City of Chula Vista, National City, US FDA and Mexico to address non-permitted / non-permissible food vendor activity on both sides of the border.

**METHODOLOGY:**

**Events and Activities**

**Event:** Awareness campaign  
**Activities:** Develop health permit awareness survey for banquet hall operators, and community recreational hall managers in the South Bay Areas of San Diego.  
Create an awareness program through educational activities, billboards, public service announcements, presentations and pamphlets.

**Event:** Non-permitted / non-permissible food vendor monitoring program  
**Activities:** Establish procedures to regularly monitor published classified ads, trade publications and the internet for non-permitted / non-permissible food vendor monitoring program.
Provide press item for local newspapers and trade publications known to advertise non-permitted / non-permissible food vendors. Track monthly prevalence of non-permitted / non-permissible food vendor activity found in published classified ads, trade publications, and the internet; and on approved food caterer /vendor lists of banquet hall operators, and community recreational hall managers in the South Bay Areas of San Diego.

**Event:** Cooperative plan.

**Activities:** Present non-permitted / non-permissible food vendor statistics to food safety and code enforcement officials from the City of San Diego, City of Chula Vista, National City, US FDA and Mexico. Develop cooperative plan with US FDA and Mexico to increase enforcement efforts.

**RESULTS:**

1. On June 23, 2010 our first outreach meeting was held in the City of Chula Vista. In attendance were several banquet hall managers, caterers, as well as managers of recreational halls from Chula Vista and the City of Coronado. An educational pamphlet was distributed to the managers, with the intention that it would be made available to their customers to use as an educational tool and to provide an avenue for the general public to verify the health permit status of their prospective vendor. A standard PowerPoint presentation was also developed that highlighted the importance of using a licensed caterer as well as important contact information the general public can use to inquire about food businesses.

2. Monitoring program for unlicensed businesses proposed to include periodic searching of classified ads in local trade publications and online search sites.

3. Standard Operating Procedures for responding to reports of non-permitted food businesses was revisited.

4. Increased awareness of non-traditional food safety stakeholders were identified.

**CONCLUSIONS:**

This project has identified non-traditional stakeholders for the retail food industry. Newspaper classified ad editors, event planners and meeting organizers are only a few of those that FHD and other health departments and regulatory agencies can interact with to build a better link to the community to fortify food safety efforts. More needs to be done in terms of establishing the baseline data directly related to non-permitted food businesses, creating a calendar of outreach events and producing outreach materials. The most difficult of these objectives would be to coordinate with all the regulatory agencies that may be involved with businesses that cross the border between the U.S. and Mexico. However, the time and resources it will take to invest in these efforts will help in reaching the overall goal of increasing public health awareness of the benefits of a retail food safety program, as well as the risks associated with non-permissible / non-permitted food vendors.
LEADERSHIP DEVELOPMENT OPPORTUNITIES:

Ricardo Encarnacion, MPH, REHS

Becoming a part of EPHLI has made me a better leader. The layout of the curriculum was very insightful wherein it begins with first learning about one’s own self and personality traits. Like a mentor guiding the mentee, the Institute directs the fellow to first look inward in preparing to look outward at others. I found this to be a key developmental tool. This enabled me to come to terms with my own way of doing things and how I can best perform so as to bring about a successful outcome. I found that self-reflection is very important for those that are in the regulatory field, as it can bring about a better overview of a big picture problem, leading to a more long lasting, effective result. The Leadership Project taught me to tell the story the best way to get a point across. It also teaches us to appreciate what others may have at stake, which makes one appreciate the gradual approach to change. The Individual Development Plan and the presentation of the Logic Model have also changed the way for how I set my project goals, in that outputs and outcomes are better defined. Of all the elements of the Institute, the most valuable of all is the opportunity to meet and network with colleagues from different jurisdictions and levels of government. It is easy for a field regulator or program manager to become too focused within a local issue. Any chance to meet others who can give a fresh perspective or shared experience provides beneficial information as well as motivation to carry on. I am very grateful for being considered to be among those who can make a difference for the protection of Public and Environmental Health.
ABOUT THE EPHLI FELLOW

Ricardo Encarnacion began his career in Environmental Health while serving in the Navy as a Hospital Corpsman where he received specialized training as a Preventive Medicine Technician (PMT) in 1994. As a PMT, he conducted environmental health inspections and industrial hygiene surveys on board ships and shore facilities.

After the Navy, Ricardo joined the County of San Diego, Department of Environmental Health (DEH) in 1999. As a field supervisor within DEH’s Food and Housing Division (FHD), he led a team of Registered Environmental Health Specialist (REHS) staff who are responsible for various environmental health regulatory programs involving retail food activities, swimming pools and public housing. A main component of his job included the management of environmental health investigations for food borne illness outbreaks, as well as effectiveness checks for food safety recalls. Currently Ricardo is the FHD Operations Supervisor where he is responsible for ensuring field activity support and overall program efficiency.

Ricardo went on to complete his Master’s Degree in 2005 at San Diego State University’s Graduate School of Public Health, where he was recognized as the Environmental Health Outstanding Student for his graduating class. His main body of graduate work involved the development of a Food Safety System for a local school district.

Ricardo has also served as the South West Chapter President for the California Environmental Health Association (CEHA) from 2005 to 2006, where he has been an active member for the last 10 years.

Married to Joy, his childhood sweetheart, Ricardo lives next to the church they were married in. Every Sunday, they hear the mission bells that rang on their wedding day.
REFERENCES